

OGC 78-7557

13 November 1978

Pro/Leg

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director of Central Intelligence

FROM : Anthony A. Lapham
General Counsel

SUBJECT : S.2525--Proposed Intelligence Charter
Legislation - Title II, Issue Paper
of Special Coordination Committee
Meetings

REFERENCE : OGC 78-7474, General Counsel to Multiple
Addressees, Same Subject

1. Action Requested: The attached materials should be combined with the draft Title II Issue Paper sent to you on 8 November 1978.

2. Background: By memorandum of 8 November 1978, I transmitted to you a copy of the proposed Issue Paper on Title II of S.2525 prepared in anticipation of SCC meetings on that subject now scheduled for 20 and 27 November. I am attaching, for attachment to that Issue Paper as reference materials, a "clean" copy of the Working Group revision of Title II and a copy of Title II (and related portions of Titles I and III) of S.2525.

3. Also attached is a copy of page 2 of the introductory statement to Part IV of the Issue Paper which was omitted inadvertently from the materials sent to you earlier. In addition, the eighth and ninth issue statements in Part V of that Paper should be removed as they treat matters covered in issue statements one and two of Part IV.

Anthony A. Lapham

STAT

Attachments

The limitation in S.2525 (Section 132(a)(4)) as to covert publication has been refined in Section 242 although the intended effect remains the same, i.e., avoiding the so-called "blowback" of information distributed abroad. The regulated activity will be paying for or knowingly causing "distribution to the public within the United States" without acknowledgement of U.S. Government involvement. S.2525 would bar, by contrast, paying for or knowingly or intentionally supporting distribution within the U.S., or abroad with the "likely result" of substantial redistribution in the U.S., without announcement of intelligence entity support.

Section 243 represents a different approach than S.2525 (Section 132(a)(6)) which barred, under any circumstances, use of religious, media, or academic organizations, the Peace Corps, and any U.S.-sponsored international exchange program for purposes of providing cover for intelligence entity employees. Instead, the provision has been revised to apply generally to all U.S. organizations and government departments, but to allow use of any entity for cover purposes with the prior consent of the particular organization or department involved.

The limitations in S.2525 on covert contracting have been modified in Section 244 to not require disclosure of intelligence entity sponsorship in routine procurement matters. This constitutes a refinement of not only S.2525 but also the relevant E.O. 12036 provision.

Undisclosed participation by intelligence entity employees in U.S. organizations will be regulated by Section 245. This section differs from S.2525 (Section 244) in that it would allow such participation when necessary for cover, acquisition of specialized information, and recruitment purposes, so long as authorized by an entity head. In addition, this provision differs from S.2525 in that such participation would not be barred for public functions, acquisition of publications, enhancement of professional qualifications, or for educational purposes. The admonishment of both E.O. 12036 and S.2525 that certain forms of such participation be conducted so as to not influence the activity of the organization or its members has been deleted.

Section 245A represents only a slight refinement of a similar provision in S.2525 (Section 132(e)) and makes clear that there is no bar on voluntary contacts between individuals and intelligence entities.

STAT

Approved For Release 2005/08/03 : CIA-RDP81M00980R000700080037-7

Approved For Release 2005/08/03 : CIA-RDP81M00980R000700080037-7

☐ UNCLASSIFIED ☐ INTERNAL USE ONLY ☐ CONFIDENTIAL ☐ SECRET

Approved For Release 2005/08/03 : CIA-RDP81M00980R000700080037-7
ROUTING AND RECD SHEET

SUBJECT: (Optional)

S. 2525

FROM:

Anthony A. Lapham
General Counsel
Rm. 7D01, Hqs.

EXTENSION

NO.

DATE

13 November 1978

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIAL

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

ER via Exec. Secty.

2.

3.

DDCI

4.

5.

DCI

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.